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Index 979
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) TANK AND CAP ASSEMBLY FOR USE
GREGORY T. KOHLER et al) WITH MICROCHANNEL TUBING IN A
Serial No. 10/047,670) HEAT EXCHANGER
Filed January 15, 2002)
) Group Art Unit 3753
)
) Examiner Leonard R. Leo

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

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TECHNOLOGY CENTER R3700

Sir:

In response to the Office Action dated January 28, 2004 (Paper No. 8),

Applicants respond as follows.

The Office Action requires an election between alleged distinct species
(i.e., cap) as follows:

- I. The species principally illustrated in Fig. 3; and
- II. The species principally illustrated in Fig. 4.

37 CFR 1.8
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 12, 2004.

Signature: _____

Karen Sanderson

Name: _____

Karen Sanderson

The Office Action also requires an election between allegedly distinct subspecies (i.e., tank) as follows:

- IA. The subspecies principally illustrated in Fig. 3;
- IIA. The subspecies principally illustrated in Fig. 4; and
- IIIA. The subspecies illustrated in Fig. 5.

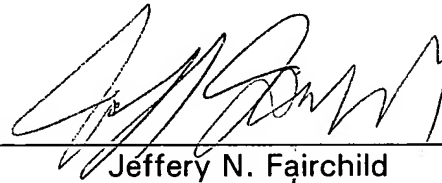
Applicants hereby elect the allegedly distinct species I (principally illustrated in Fig. 3) and the alleged distinct subspecies IA (principally in Fig. 3). Claims 1, 3-8 and 11-14 all read on the elected species and subspecies. Additionally, claims 9 and 10 read on the elected species and subspecies, with the additional recitation of the features shown in Figs. 6-7, which are compatible with the elected species and subspecies. Furthermore, claims 1, 5 and 11 are generic to all of the alleged species and subspecies. Additionally, claims 3, 4, 6 and 7 are generic to all of the subspecies (subspecies IA, IIA & IIIA); and claim 12 is generic to the allegedly distinct species I and II. Applicants note that they will be entitled to consideration of claims to additional species and subspecies upon allowance of any of the above-identified generic claims if the claims to additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim.

In view of the foregoing, Applicants respectfully request substantive examination of the application.

Respectfully submitted,

WOOD, PHILLIPS, KATZ,
CLARK & MORTIMER

By



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February 12, 2004

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